IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.3541 OF 2004

Dilip Kumar Jain ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr.Shahid Azmi for Applicant
Mr.A.S. Gadkari, APP, for Respondent

CORAM: **A.M. KHANWILKAR, J.**

DATED: **SEPTEMBER 7, 2004**

P.C.:

. Heard Counsel for the parties. The application proceeds on the assertion that no similar offence has been registered against the applicant. The application, however, fails to disclose that there are already two serious offences registered against the applicant, being C.R. No.294 of 2003 in Santacruz Police Station for offences punishable under sections 420, 465, 467, 468 and 471 r/w 34 of the Indian Penal Code and another case in Kalachowkie Police Station being C.R. No.72 of 1994 for offences punishable under sections 342, 348, 302, 330, 34 and 120(B) of the Indian Penal Code. Besides, the applicant was detained under the provisions of COFEPOSA Act in the year 1993 bearing File No.DRI/B/ZY/D42/93. These relevant facts have not been disclosed in the application, rather concealed by making

misleading statements that no similar offence has been registered against the applicant. This by itself is a good ground for dismissing this application. Besides, learned Assistant Public Prosecutor relied on the two statements of the applicant’s son which implicates the applicant in the commission of the alleged offence. Hence, dismissed.